



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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### Rand Mountains Management Area Education and Permit Program and Interim ACEC Closure Rescission (DOI-BLM-CA-D05000-2009-14-EA) Finding of No Significant Impact October 2008

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the West Mojave Plan Amendment to the California Desert Conservation Act Plan. Thus, the project does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:

- 1) Impacts may be both beneficial and adverse.* The proposed action would impact resources as described in the EA. Mitigating measures to reduce impacts to desert tortoise and rights-of-way were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the WEMO Plan amendment to the CDCA Plan.
- 2) The degree to which the selected alternative will affect public health or safety.* The proposed action may enhance public safety. Due to public outreach and education associated with the permit program and increasing compliance with the designated route network, motorized accidents may be reduced with less mine-related accidents and other accidents related to cross-country travel.
- 3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.* The historic and cultural resources of the area have been inventoried and potential impacts mitigated in the design of the selected alternative. The following Critical Elements of the Human Environment and Other Resource Issues are not affected because they are not present in the project area; Prime or unique farmlands, floodplain management, Native American religious concerns, T&E vegetation, water resources, hazardous or solid wastes, wetlands or riparian zone, wild and scenic rivers, wilderness management, fire management, paleontology, livestock management, socioeconomic resources, wild horse and burro management, and special status plants. In addition, the following Critical Elements of the Human Environment and Other Resource Issues, although present, would not be affected by this proposed action listed in Chapter 3 of the EA; air & climate resources, ACEC, T&E wildlife, wildlife habitat/species, land use, recreation, rights-of-way, soils, visual resources, vegetation, and noxious weeds. Three Critical Elements of the Human Environment and Other Resource Issues, wildlife (including T&E), air and climate resources, and rights-of-way were analyzed in detail in Chapter 4. None of these would be significantly impacted because measures incorporated into the

proposed action are expected to reduce direct impacts to tortoises and encourage a slow increase in tortoise and MGS habitat, facilitate right-of-way access, and have no direct affect on air quality.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* Public controversy exists over the impacts of designated routes in the Mojave Desert on desert tortoise populations and recovery. The WEMO EIS analyzed the designated route network in Desert Wildlife Management Areas including biological, cultural, and recreational resources, commercial uses and land ownership. The RMMA permit program and ACEC interim route closure rescission will be monitored for possible negative affects to desert tortoise populations, individuals, and habitat.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The project is not unique or unusual. The BLM is implementing an innovative education and permit program to increase awareness of resource issues associated with motorized vehicle recreation in desert habitat. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant negative cumulative effects are not predicted. It is possible that significant positive cumulative effects are observed. Increased compliance with the designated route network could have long-term beneficial consequences on the desert tortoise and habitats within the RMMA.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.* The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.* The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. Numerous cultural inventories have been completed in the RMMA and no cultural resources were found.

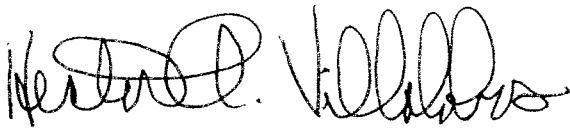
9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.* Mitigating measures to reduce impacts to wildlife and fisheries have been incorporated into the design of the action alternatives. Although one listed species (desert tortoise) occupies habitat within the project boundary, it has been determined that it will not be affected because:

The use of vehicles on roads that are designated as open or limited during recreational activities, such as dual sport events, will not, in general, adversely affect the primary constituent elements of critical habitat because these biological and physical attributes are not present within roadbeds. Some roads support annual plants, possibly even at greater local densities than on adjacent, undisturbed habitat, because of alterations in the hydrological regime caused by the road. Although such areas may be of value to a few desert tortoises, they are not so extensive that they substantially alter the patterns of the distribution of forage plants.

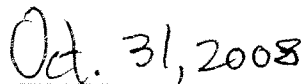
Additionally, most minimum impact recreation likely occurs relatively close to roads so the impact away from roaded areas is even less intense. Consequently, the minimum impact recreation that the Bureau proposes to allow within desert wildlife management areas are unlikely to disturb the primary constituent elements to the extent that the conservation role and function of the critical habitat units are compromised (Biological Opinion for the WEMO Plan, p. 88-89).

No other threatened or endangered plants or animals are known to occur in the area. Section 7 ESA Informal Consultation was requested on Oct. 23, 2008.

*10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.* The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.



Hector A. Villalobos  
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Date